

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:12-CR-70-1BR

UNITED STATES OF AMERICA)
)
 v.)
)
DAVID GRANVILLE TANNER)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant, David Granville Tanner, on July 9, 2012, the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as a firearm used in a knowing violation of 18 U.S.C. § 922(g)(1) and 924, to wit:

A Springfield Armory U.S. Rifle, model M1, Cal. .30-60, serial number 2488884; a Birmingham Small Arms Co., model SMLE Mark III (1917), bolt action .303 cal. rifle, serial number 12946; a Mauser, model 98, 7.62 mm, bolt action rifle, serial number 1337; a GRI model SMLE No. 1 Mark III (1943), .303 cal. bolt action rifle, serial number H15769; an RFI model Lee-Enfield No. 1 Mark 3 (1971), .303 cal. Bolt action rifle, serial number 12398W; a U.S. Rifle model 1917, .30-06 cal. bolt action rifle, serial number 1261387; and all ammunition seized from the defendant's residence on or about October 19, 2011.

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 18 U.S.C. § 924(d)(1);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant David Granville Tanner, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of

actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 14 day of January, 2013.



W. EARL BRITT
United States District Judge